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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,354	09/15/2000	Atsushi Misawa	0879-0273P	1844

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EXAMINER

VU, NGOC YEN T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/12/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

Office Action Summary

Application No.
09/663,354

Applicant(s)
Atsushi MISAWA

Examiner
Ngoc-Yen VU

Art Unit
2612



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 17, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-14 is/are pending in the application
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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Response to Amendment

1. The amendments filed on 06/17/2002, have been entered and made of record.

Response to Arguments

2. Applicant's arguments with respect to claims 6-13, filed 06/17/2002, have been fully considered but they are not persuasive.

With respect to the Fujimori reference, the Applicant argues that the buffer memory 13 acts as a buffer for storing an electronic still image signal representing one image at a time before that information is sent to the memory card 17, therefore, Fujimori fails to teach built-in memory for storing image data representing captured images. The argument is not persuasive because claim 6 includes no limitations regarding how many images the built-in memory can store at one time. All that claim 6 require is that "a built-in memory for storing image data representing captured images," and Fujimori clear teaches this limitation. The Applicant further argues that Fujimori fails to teach memory control means for automatically transferring image data from the built-in memory to the detachable memory card upon detecting the mounting of the memory card. The Examiner disagrees. Fujimori teaches in column 6 lines 4-24 that by storing the image signal in the buffer memory 13, the signal stored in the buffer memory 13 can be efficiently written in an image memory 18 of a new memory card 17 when the memory card 17 is replaced with the new memory card. Fujimori further teaches in column 7 lines 27-40 that when a memory card 17 is mounted in the camera, initialization processing is started to monitor the data amounts of the

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image signals recorded in the image memory 18. In light of the teaching from Fujimori that the initialization processing is automatically started as a new memory card 17 is mounted in the camera and that the stored image signal in the buffer memory 13 is transferred to a new memory card upon the initialization processing, the Examiner submits that Fujimori does teach memory control means for automatically transferring the image data from said built-in memory to said detachable memory card upon detecting the mounting of the memory card.

With respect to the Wakui reference, the Applicant argues that Wakui fails to cure the deficiencies of the teachings of Fujimori as Wakui fails to teach a built-in memory for storing image data representing captured images. The Applicant also argues that Wakui fails to teach memory control means for automatically transferring the image data from said built-in memory to said detachable memory card upon detecting the mounting of the memory card. The Examiner notes that the Wakui reference was not intended to show a built-in memory and memory control means. Instead, Wakui was used to show detecting means for detecting insertion of detachable memory card.

As to claim 14, the Applicant's arguments with respect to claim 14 have been considered but is moot in view of the new ground(s) of rejection as follows.

The Office action is made final.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 6, 7, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori (US #5,027,214) in view of Wakui (US #5,742,339).

Regarding claim 6, Fujimori '214 teaches a digital camera for capturing images, comprising:

a built-in memory (buffer 13) for storing image data representing captured images, said built-in memory being provided in a camera body (Fig. 1);

a detachable memory card (17) for storing image data (Fig. 1), said detachable memory card having a larger storage capacity than said built-in memory (col. 5 line 9 - col. 6 line 24);

an insertion slot (interface 16) for receiving said detachable memory card (Fig. 1); and

memory control means (Fig. 1, elements 2, 14 & 21-17) for transferring image data from said built-in memory to said detachable memory card upon detecting the mounting of the memory card (col. 6 line 25 - col. 9 line 66).

Claim 6 differs from Fujimori in that the claim further requires detecting means for detecting insertion of said detachable external memory card into said insertion slot. The limitation is well known in the art as shown in Wakui. In the same field of endeavor, in figures 1A and 1B, Wakui '339 teaches a digital camera having a built-in memory (7,20) for storing image data, a detachable memory card (31) for storing image data, an insertion slot for receiving said detachable memory card, and detecting mean for detecting the insertion of said detachable memory card into said insertion slot (detecting circuit 16, col. 5 lines 11-23; col. 7 lines 58+). In light of the teaching from Wakui, it would have been obvious to one skilled in the art to modify the digital

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camera taught in Fujimori by providing detecting means for detecting the insertion of a detachable memory card so as to greatly facilitate the operation of the camera by initiating an automatic transferring of image data stored in the built-in buffer memory (13) to the memory card.

As to claim 7, Fujimori teaches that the built-in memory is initialized to allow for new image capturing upon said memory control means automatically transferring said image data (col. 3 lines 1-37; col. 7 lines 5-51; col. 9 line 11 to col. 10 line 47).

As to claims 9 and 13, Fujimori teaches images captured by the camera are stored in the buffer memory (13) first regardless of whether the camera is being used or not being used.

5. Claims 8, 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori and Wakui, as applied to claim 6 above, and further in view of Watanabe (US #4,887,161).

As to claims 10, 11 and 12, the claims differ from Fujimori, as modified by Wakui, in that they require said detachable memory card is partially exposed so that a user can grasp the memory card by the exposed part to detach said memory card from said camera body, wherein when said detachable memory card is inserted into the insertion slot, more than 1/3 of said detachable memory card is exposed in an insertional direction of said detachable memory card.

In the same field of endeavor, Watanabe '161 teaches a digital camera (10) having a detachable memory card (20) wherein more than 1/3 of the memory card is exposed in an insertional direction of the memory card (Figs. 1-3), and the memory card is partially exposed so

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that a user can grasp the memory card by the exposed part with fingers to detach said memory card from said camera body (col. 3 lines 42+). In light of the teaching of Watanabe, it would have been obvious to one skilled in the art to have the memory card shown in Fujimori and Wakui be partially exposed allowing the user to detach the memory card from the camera so as to eliminate the need to have a rejecting mechanism for the memory card, thus reducing the size and weight of the digital camera.

As to claim 8, the claim differs from Fujimori and Wakui in that the claim requires that the camera body in an insertional direction of said memory card is shorter than said memory card in the insertional direction of said memory card. Watanabe shows that the camera body in an insertional direction of said memory card is the same as said memory card in the insertional direction of said memory card. Since it is highly desirable for the memory card to be easily and readily removed from the camera body, it would have been obvious to one skilled in the art to have the memory card shown in Fujimori, Wakui and Watanabe longer than the camera body.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claim 14 rejected under 35 U.S.C. 102(e) as being anticipated by Moronaga et al. (US #5,473,370).

Regarding claim 14, in figures 7-12, Moronaga teaches a digital camera for capturing image, comprising:

a built-in memory (frame memory 207) for storing image data representing captured images, said built-in memory being provided in a camera body;

a detachable memory card (230/231) for storing image data, said detachable memory card having a larger storage capacity than said built-in memory, wherein when the digital camera is useable to capture the plurality of images when the detachable memory card is detached from the camera (It is noted that Moronaga teaches an internal memory 213 which is useable to store a plurality of image when the memory card 230/231 is detached from the camera; see col. 19 line 58 - col. 21 line 45);

an insertion slot for receiving said detachable memory card (see Fig. 2, slot 33);

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a detector (241) for detecting insertion of said detachable external memory card into said insertion slot; and

a memory controller (memory controller 205, coding/decoding 208, I/F 211) for transferring image data from said built-in memory to said detachable memory card upon said detector detecting said insertion (col. 23 line 34 - col. 25 line 49. It is noted that Moronaga teaches in column 23 lines 46-49 that the memory card detecting switch 241 is provided also in the video camera shown in figure 7).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. **Any response to this office action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,
Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ngoc-Yen Vu** whose telephone number is (703) 305-4946. The examiner can normally be reached on Mon. - Fri. from 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

NYV
09/05/2002


NGOC-YEN VU
PRIMARY EXAMINER